

# MEMORANDUM

Agenda Item No. 4(H)

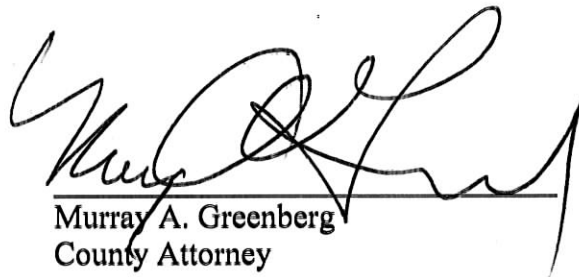
**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** May 22, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance amending Sec.  
2-8.1 of the Code relating  
to delegation of authority  
to the County Manager  
with regard to contracts and  
purchases

The accompanying ordinance was prepared and placed on the agenda at the request of  
Vice-Chairwoman Barbara J. Jordan



Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

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County Attorney

**SUBJECT:** Agenda Item No. 4(H)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(H)  
5-22-07

ORDINANCE NO. \_\_\_\_\_

ORDINANCE REDUCING THE AUTHORITY DELEGATED TO THE COUNTY MANAGER TO ADVERTISE FOR BID, AWARD AND REJECT BIDS OR PROPOSALS FOR PURCHASES OF SUPPLIES, MATERIALS AND SERVICES INCLUDING PROFESSIONAL SERVICES WITHOUT COMMISSION APPROVAL; REDUCING THE THRESHOLD AMOUNT OF CONTRACTS AUTHORIZED TO BE AWARDED WITHOUT COMMISSION APPROVAL; AMENDING SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AN EFFECTIVE DATE, AND A SUNSET PROVISION

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. Section 2-8.1 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

**Sec. 2-8.1 Contracts and purchases generally.**

- (a) *Scope.* Except as provided in subsections (b), (f), and (h), this section shall apply to all contracts for public improvements and purchases of all supplies, materials and services other than professional services.
- (b) *Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases* Formal sealed bids shall be secured for all contracts and purchases within the scope of this section when the transaction involves the expenditure of one hundred thousand dollars (\$100,000.00) or more, except that the Board of County Commissioners, upon written recommendation of the County Manager, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County. The County

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Manager is hereby delegated the authority to advertise for bid, award, and reject bids or proposals for contracts for public improvements (construction) costing five hundred thousand dollars (\$500,000) or less and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to Sec. 2-10.4 and Sec. 287.055 Fla. Stats.) costing ~~[[one million dollars (\$1,000,000)]]~~ >>five hundred thousand dollars (\$500,000)<< or less without the need for action by the County Commission. The authority to award contracts provided in the preceding sentence shall not constitute authority for the County Manager to exercise an option to renew any contract where the combined value for such contract's initial term and the option to renew would exceed ~~[[one million dollars (\$1,000,000)]]~~ >>five hundred thousand dollars (\$500,000)<<, and in such instances the County Manager shall obtain the prior authorization of the County Commission to exercise such option. The County Manager may recommend that the foregoing requirement to obtain prior Commission authorization to exercise an option to renew be waived for a specific contract when the Manager deems it to be in the best interests of the County. The Inspector General shall be invited to participate as appropriate in the processes by which the authority delegated hereby is exercised. The County Manager is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements involving the expenditure of five hundred thousand dollars (\$500,000.00) or less: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The County Manager shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. For those contracts where the County manager requests authority from the County Commission to advertise, the request for such authority shall advise the steps taken to accomplish the foregoing sentence. The County Manager may designate appropriate County staff to exercise the authority delegated hereunder by administrative order, approved by the Board of County Commissioners.

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective within ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This Ordinance shall sunset one year after its effective date. The County Manager shall prepare an annual report for consideration by the Board prior to renewal.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Hugo Benitez

Sponsored by Commissioner Barbara J. Jordan

Chavez  
HBJ